

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**JOINT MOTION FOR EXTENSION
OF SCHEDULING ORDER DATES**

COME NOW Plaintiff, Jason Williams, and Defendant, AT&T Mobility LLC, jointly and through their undersigned counsel, and respectfully move this Court to extend certain discovery and related deadlines under the Court's May 15, 2020 Scheduling Order [Dkt. 42]. As detailed below and in the Proposed Order submitted herewith, the parties request that the February 19, 2021 deadline to complete all discovery be extended to June 18, 2021, with a corresponding extension of the expert witness and remaining deadlines under the Scheduling Order.

This is the first request to modify any deadline in this matter, and the requested extension will permit the parties to continue their progress and good faith cooperation on outstanding discovery items, complete discovery in a timely manner, and reduce the likelihood of future requests for intervention or additional extensions. In further support of this motion, the parties show the Court as follows:

1. Mr. Williams filed his Complaint [Dkt. 1] on October 24, 2019, with a Corrected Complaint [Dkt. 2] filed the following day on October 25, 2019.
2. AT&T filed a motion to dismiss, which the Court denied on March 25, 2020 [Dkt. 20], and on April 15, 2020 AT&T timely filed its Answer and Affirmative Defenses [Dkt. 35].
3. On May 15, 2020, the Court entered its Scheduling Order [Dkt. 42].
4. Within a week of receiving the Scheduling Order, AT&T and Mr.

Williams began serving their first interrogatories and document requests, respectfully, on May 22, 2020 and July 6, 2020. In accordance with Paragraph 10 of the Scheduling Order, the parties agreed to a reciprocal fourteen-day extension to respond to those requests, and then timely served their responses on July 6, 2020 and July 20, 2020.

5. Thereafter, Mr. Williams made a first production of documents on August 14, 2020, and a second production of documents on September 24, 2020. AT&T made a first production of documents on July 27, 2020, a second production of documents on October 8, 2020, and a third production of documents on October 20, 2020.

6. Contemporaneous with those document production efforts, the parties participated in multiple meet and confer conferences, supplemented their written discovery to each other, and worked cooperatively to address and resolve disagreements.

7. The parties' meet and confer discussions are ongoing, with the most recent conference being held on November 4, 2020. Given the complexity and interaction of multiple technologies at issue in this case – including but not limited to cryptocurrency mining and the operation of subscriber identity module (SIM) cards on wireless telecommunications networks – Mr. Williams and AT&T have each identified additional discovery, including third party discovery, that they believe is necessary to complete their expert disclosures and prepare the case for trial. Both parties have committed in good faith to additional searches for relevant materials, anticipate producing additional documents, and are currently in discussions regarding those tasks.

8. The parties are continuing their cooperation and diligently attempting to resolve the outstanding discovery issues without the need to burden the Court with discovery motions.

9. Notwithstanding those good faith efforts, which have been complicated by the ongoing COVID-19 pandemic, the parties do not believe it is feasible to complete their remaining tasks within the current schedule's deadlines.

10. Accordingly, the parties jointly request the Scheduling Order be amended to reflect the following deadlines:

- a. March 15, 2021: Plaintiff's deadline to amend pleadings or join additional parties.
- b. March 30, 2021: Plaintiff's expert disclosures due.
- c. April 15, 2021: Defendant's deadline to amend pleadings or join additional parties.
- d. April 30, 2021: Defendant's expert disclosures due.
- e. May 17, 2021: Rebuttal expert disclosures due.
- f. June 18, 2021:
 - (i) Close of all discovery;
 - (ii) Last day to mediate, per Court's June 12, 2020 Order [Dkt. 46].
- g. August 16, 2021: Dispositive motions due.

11. Good cause exists for this extension pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 6.1, and the extension is not requested for an improper purpose or to delay adjudication of the case.

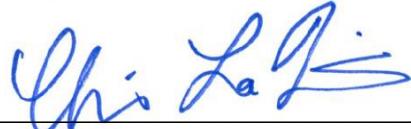
12. This case has not yet been set for trial.

13. A proposed order is submitted with this motion reflecting the above continued dates.

WHEREFORE, the Plaintiff, Jason Williams, and Defendant, AT&T Mobility LLC, respectfully pray that this Court grant their motion and order that the scheduling order deadlines be continued as set forth above.

Respectfully submitted this 25th day of November, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 25th day of November, 2020.

/s/ Joseph Dowdy

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